BEUSSE WOLTER SANKS MORA & MAIRE, P.A.

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WRITER'S DIRECT DIAL / EMAIL, (407) 926-7715 JEISCHBR@IPLAWEL.COM

TO

COMPANY

REFUNDS

FAX No. :

USPTO/Commissioner for Patents

No of PAGES

1-571-273-6500

FROM

8(including cover sheet)
Joseph Fischer

DATE : Joseph Fische : July 14, 2006

RE : ATTY. DOCKET NO:

Serial Number 09/981,685

10524-003

VIA FACSIMILE ONLY

3RD TRANSMISSION

Please see attached Request for Refund as previously forwarded to you via facsimile on March 17, 2005 and again on May 3, 2006.

Your prompt attention is requested.

Sincerely,

Kathy Tissue Legal Assistant to Joseph Fischer

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BEUSSE BROWNLEE WOLTER MORA & MAIRE, P.A.

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TO

MAIL STOP 16

COMPANY FAX No.

USPTO

No of PAGES

703-872-9306

3 (including cover sheet)

FROM

Joseph Fischer, Reg. No. 51,210

DATE

March 17, 2005

RE

Serial No.: 09/981,685

ATTY. DOCKET NO:

10524-003

VIA FACSIMILE ONLY

Attached, please find the following for your consideration:

Request for Refund Based on Later Establishment of Small Entity Status, In accordance with and Under 37 CFR 1.26, 1.27 and 1.28.

Yours truly,

Kathy Tissue

Legal Assistant to Joe Fischer

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and

Trademark Office, Fax No. 703-872-9306

on March 17, 2005

Kathy L. Tussue

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants

Frank L. Graham, et al.

Examiner

Vogel, Nancy S.

Art Unit

1636

Docket No.

10524-003

Serial No.

09/981,685

Filed

October 17, 2001

For

ADENOVIRUSES FOR CONTROL OF GENE EXPRESSION

Mail Stop 16
Director of the U.S. Patent
And Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

REQUEST FOR REFUND BASED ON LATER ESTABLISHMENT OF SMALL ENTITY STATUS, IN ACCORDANCE WITH AND UNDER 37 CFR 1.26, 1.27 AND 1.28

In accordance with and under 37 CFR 1.27(c), Applicant's Attorney hereby attests to the fact that the Applicant is a small business concern that is a small entity, and is therefore entitled to small entity status. Accordingly, the captioned application, U.S. Serial No. 09/981,685, is entitled to small entity status, and as such, is further entitled to reduced patent fees pursuant to 35 USC 41(h).

On January 4, 2005, Applicant inadvertently paid the Issue Fee as a large entity. Accordingly, in accordance with and under 37 CFR 1.28(a), Applicant hereby requests a refund in the amount of the difference between what was paid and what was properly due as a small entity on January 4, 2005. Applicant believes the difference due for refund is \$700.00.

This request for refund is being requested within the three-month period as defined under 37 CFR 1.28(b)(1).

It is believed that all requirements for this request for refund under 37 CFR 1.28 are met by this communication. If there is any deficiency in this request, or if any questions arise or any clarification is needed, a call to the undersigned within the three-month period is respectfully requested.

> Docket No: 10524-003 Application Serial No. 09/981,685

Respectfully submitted.

Joseph Fischer, Attorney for Applicant Patent Attorney, Registration No. 51,210

(Customer No. 29,847)

Mailing Address and Phone/Fax numbers: Beusse Brownlee Wolter Mora & Maire, P.A.

390 N. Orange Avenue, Suite 2500

Orlando, FL 32801

Telephone: 407-926-7727 Fax: 407-926-7720

JUL-14-06 09:42

FROM-BEUSSE WOLTER ET AL

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*** SUCCESSFUL TX NOTICE ***

BEUSSE BROWNLEE WOLTER MORA & MAIRE, P.A.

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Karny Tissue Legal Assistant to los Fischer

Auto-Reply Facsimile Transmission



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WRITER'S DIRECT DIAL/EMAIL (407) 926-7715 IFISCHER@IPLAWFL.COM

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May 3, 2006 Serial Number 09/981,685

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